

EXHIBIT 1

INTRODUCTION

Respondent Geoffrey Butler has been a member of the Strawberry Design Review Board (SDRB) for the County of Marin since his appointment date on August 11, 1998. As a member of SDRB, Respondent is a “designated employee,” as defined in Section 82019, subdivision (a), of the Political Reform Act (the “Act”)¹ and in the Conflict of Interest Code for the County of Marin. As required by the Act and Marin County’s Conflict of Interest Code, each designated employee is required to file an annual statement of economic interests (“SEI”) by April 1 of each year, disclosing his or her reportable investments, business positions, and income received during the twelve months of the preceding calendar year.

This matter arose out of a referral from the filing officer for Marin County, who had previously issued written notices to Respondent warning that he had failed to file his Annual Statement of Economic Interests for calendar year 2006 by the April 2, 2007,² deadline.

For the purposes of this stipulation, Respondent’s violation is stated as follows:

COUNT 1 As a designated employee of Marin County as member of the Strawberry Design Review Board, Respondent Geoffrey Butler failed to timely file a 2006 Annual Statement of Economic Interests by the April 2, 2007, due date, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided. In furtherance of this purpose, Section 87300 requires every local agency to adopt and promulgate a conflict of interest code.

Section 82019, subdivision (a), defines “designated employee” to include any member of any agency whose position is “designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.” Additionally, Section 87302, subdivision (a), provides that an agency’s conflict of interest code must specifically designate the positions within the agency that are required to file statements of economic interests, disclosing reportable investments, business positions, interests in real property, and sources of income. Thus,

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Typically, the filing deadline for an annual statement of economic interest is April 1 of each year (See Regulation 18730(b)(5)(C)). However, if the deadline falls on a Saturday, Sunday or official State holiday, the deadline is moved to the next regular business day. (Regulation 18116.) April 1, 2007, fell on a Sunday.

designated employees must file annual statements of economic interests under the Act.

Section 87302, subdivision (b) provides that an agency's conflict of interest code must require each designated employee of the agency to file annual statements of economic interests at a time specified in the agency's conflict of interest code,³ disclosing investments, income, business positions, and interests in real property, held or received at anytime during the previous calendar year.

Section 87300 declares that the requirements of an agency's conflict of interest code shall have the force of law, and any violation of those requirements shall be deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent has been a member of the Strawberry Design Review Board (SDRB) since his appointment date of August 11, 1998. The Conflict of Interest Code for the County of Marin designates members of SDRB as persons who must file annual statements of economic interest. Because Respondent was a member of SDRB, he was required to file an annual statement of economic interests for each year that he remained a member, disclosing his reportable economic interests held during the preceding calendar year.

According to Marin County records, Respondent was a member of SDRB between January 1, 2006 and December 31, 2006. Thus, Respondent was required to file an Annual Statement of Economic Interests for the calendar year 2006. The filing deadline was April 2, 2007.

This matter arose out of a referral from the filing officer for Marin County, Patrice Stancato, Deputy Clerk for the Marin County Board of Supervisors. Ms. Stancato sent advance written notice to Respondent in January 2007 advising him that he must file a 2006 Annual Statement of Economic Interests no later than April 2, 2007. Additionally, Respondent was verbally reminded in March 2007 of his duty to file. Respondent failed to file his 2006 Annual Statement of Economic Interests by the April 2, 2007, deadline.

On July 27, 2007, Ms. Stancato sent Respondent a letter advising him that his 2006 Annual Statement of Economic Interests was past due. Respondent failed to file the statement. On September 25, 2007, Ms. Stancato sent a second letter to Respondent, advising him that his 2006 Annual Statement of Economic Interests remained past due. She requested that he file the statement immediately. The letter further advised Respondent that if the delinquent statement was not received by November 15, 2007, the matter would be referred to the FPPC's Enforcement Division.

Respondent failed to file the 2006 Annual Statement of Economic Interests as requested. Thus, on November 21, 2007, Ms. Stancato referred the matter to the Enforcement Division.

³ The agency's Conflict of Interest Code may incorporate Regulation 18730 by reference. If so, then the filing deadline is April 1. (Regulation 18730(b)(5)(C)). If not incorporated, the Conflict of Interest Code must specify a filing date. The Marin County Conflict of Interest Code incorporates Regulation 18730, and thus, the filing deadline for annual statements of economic interests for Marin County is April 1.

On February 8, 2008, Political Reform Consultant (“PRC”) Teri Rindahl of the Enforcement Division contacted Respondent by telephone advising him that his 2006 Annual Statement of Economic Interests was past due. She instructed him to file the statement immediately. In response, on February 28, 2008, Respondent filed his 2007 Annual Statement of Economic Interests.

On March 7, 2008, PRC Rindahl contacted Respondent informing him of his error, and she requested that he file the 2006 statement immediately. On March 10, 2008, Respondent faxed his 2006 Annual Statement of Economic Interests to the Enforcement Division.

It should be noted that Respondent Geoffrey Butler has a prior enforcement action for a violation of this same type. On August 16, 2007, Respondent was fined \$100 by the Enforcement Division Statement of Economic Interests (SEI) Streamlined Program for failing to timely file his 2005 Annual Statement of Economic Interests.

CONCLUSION

This matter consists of one count of violating Section 87300 which carries a maximum possible administrative penalty of Five Thousand Dollars (\$5,000).

Failures to timely file statements of economic interests which are not included in the Expedited Procedures of the SEI Streamlined Program have historically received penalties ranging up to the maximum penalty of Five Thousand Dollars (\$5,000), per count, depending upon the circumstances. Such penalties are warranted when the Respondent has a prior non-filing history, accompanying violations, and/or prior prosecutions.

Respondent Butler was previously fined \$100 by the Enforcement Division for failing to file his 2005 Annual Statement of Economic Interests. Thus, he does not qualify to participate in the SEI Streamlined Program. Additionally, Respondent did not file until after two written notifications by the local filing officer and two verbal contacts by the Enforcement Division. However, Respondent did ultimately file his 2006 Annual Statement of Economic Interests. Thus, a penalty of Eight Hundred Dollars (\$800) is appropriate for this violation.